
By: **Delegates Zirkin, Burns, Jones, Morhaim, and O'Donnell**

Introduced and read first time: February 6, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice - Group Homes - Certification of Administrator**

3 FOR the purpose of requiring the Department of Juvenile Justice, by a certain date
4 and in consultation with the Department of Human Resources and the
5 Department of Health and Mental Hygiene, to adopt regulations establishing a
6 program to certify the individual responsible for the day-to-day administration
7 of a certain residential group home licensed by the Department; requiring the
8 administrator of a certain group home licensed by the Department to be
9 certified by a certain date; requiring the Department of Human Resources, by a
10 certain date and in consultation with the Department of Juvenile Justice and
11 the Department of Health and Mental Hygiene, to adopt regulations
12 establishing a program to certify the individual responsible for the day-to-day
13 administration of a certain child care home and residential educational facility
14 to be licensed by the Department; requiring the administrator of a certain child
15 care home and residential educational facility licensed by the Department to be
16 certified by a certain date; requiring the Department of Health and Mental
17 Hygiene, by a certain date and in consultation with the Department of Human
18 Resources and the Department of Juvenile Justice, to adopt regulations
19 establishing a program to certify the individual responsible for the day-to-day
20 administration of a certain program of residential services for children and a
21 private therapeutic group home licensed by the Department; requiring the
22 administrator of a certain program of residential services for children and a
23 private therapeutic group home licensed by the Department to be certified by a
24 certain date; making a conforming change; and generally relating to the
25 certification of administrators for group homes for children.

26 BY repealing and reenacting, without amendments,
27 Article 83C - Juvenile Justice
28 Section 1-101(a) and (b), 2-123, and 2-124
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2002 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article 83C - Juvenile Justice

1 Section 2-125
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article - Family Law
6 Section 5-101
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 5-506 and 5-526
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Health - General
16 Section 1-101(a), (c), and (j), 7-101(a), (b), and (f), 7-601, 7-602, 7-607, 7-608,
17 and 10-920
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 7-903 and 10-922
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article 83C - Juvenile Justice**

28 1-101.

29 (a) In this article the following words have the meanings indicated.

30 (b) "Department" means the Department of Juvenile Justice.

31 2-123.

32 (a) Except as otherwise provided in this section, a person shall be licensed by
33 the Department as a child care home before the person may exercise care, custody, or
34 control over a child who is alleged or adjudicated as delinquent or in need of
35 supervision.

1 (b) This section does not apply:

2 (1) To a parent of the child;

3 (2) To an individual related to the child by blood or marriage within 4
4 degrees of consanguinity under the civil law rule;

5 (3) To a guardian of the child;

6 (4) To a person who exercises temporary custody or control over the child
7 at the request of a parent or guardian of the child and who is not required otherwise
8 to be licensed;

9 (5) To an individual with whom the child is placed in foster care by:

10 (i) A licensed placement agency;

11 (ii) A local department of social services;

12 (iii) The Secretary of Health and Mental Hygiene;

13 (iv) The Department; or

14 (v) A court of competent jurisdiction;

15 (6) To a person who has the care, custody, or control of the child through
16 placement by a parent or grandparent of the child in contemplation of adoption, if the
17 requirements of § 5-507(b)(2) and (c) of the Family Law Article are met;

18 (7) To an institution that has a child care institution license under this
19 title or § 5-509 of the Family Law Article; or

20 (8) To an institution operated by an agency of this State or any political
21 subdivision.

22 2-124.

23 (a) Except as otherwise provided in this section, a person shall be licensed by
24 the Department as a child care institution before the person may operate an
25 institution for the care, custody, or control of a child alleged or adjudicated as
26 delinquent or in need of supervision.

27 (b) This section does not apply:

28 (1) To an institution or facility operated by an agency of this State or any
29 political subdivision; or

30 (2) To a child care home that has a license under this title or § 5-508 of
31 the Family Law Article.

1 2-125.

2 (a) The General Assembly intends that:

3 (1) All children whose care is the responsibility of this State shall have
4 similar protection for their health, their safety, and the quality of their care; and

5 (2) The rules and regulations of agencies that are charged with child care
6 shall be comparable.

7 (b) The Department shall adopt rules and regulations to carry out §§ 2-123
8 and 2-124 of this article.

9 (c) (1) A child care home or institution may not be required to obtain a
10 license from more than 1 State agency.

11 (2) Any State agency authorized to license child care homes or
12 institutions may make cooperative arrangements with any other State agency to this
13 end.

14 (D) (1) ON OR BEFORE JANUARY 1, 2005, THE DEPARTMENT, IN
15 CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES AND THE
16 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS
17 ESTABLISHING A PROGRAM TO CERTIFY THE INDIVIDUAL RESPONSIBLE FOR THE
18 DAY-TO-DAY ADMINISTRATION OF A CHILD CARE HOME THAT IS LICENSED BY THE
19 DEPARTMENT.

20 (2) ON OR BEFORE JANUARY 1, 2007, EACH LICENSED CHILD CARE HOME
21 THAT IS LICENSED BY THE DEPARTMENT SHALL EMPLOY AN INDIVIDUAL
22 RESPONSIBLE FOR THE DAY-TO-DAY ADMINISTRATION OF THE CHILD CARE HOME
23 WHO IS CERTIFIED UNDER THIS SUBSECTION.

24 **Article - Family Law**

25 5-101.

26 In this title, "Department" means the Department of Human Resources.

27 5-506.

28 (a) The General Assembly intends that:

29 (1) all children whose care is the responsibility of this State shall have
30 similar protection in terms of health, safety, and quality of care; and

31 (2) the rules and regulations of agencies that are charged with child care
32 shall be comparable.

33 (b) (1) In addition to other rules and regulations adopted under this title,
34 the Department may adopt rules and regulations to carry out §§ 5-507, 5-508, 5-509,

1 and 5-509.1 of this subtitle, which relate to the licensing of child placement agencies,
2 child care homes, child care institutions, and residential educational facilities.

3 (2) ON OR BEFORE JANUARY 1, 2005, THE DEPARTMENT, IN
4 CONSULTATION WITH THE DEPARTMENT OF JUVENILE JUSTICE AND THE
5 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS
6 ESTABLISHING A PROGRAM TO CERTIFY THE INDIVIDUAL RESPONSIBLE FOR THE
7 DAY-TO-DAY ADMINISTRATION OF A CHILD CARE HOME OR A RESIDENTIAL
8 EDUCATIONAL FACILITY THAT IS LICENSED UNDER THIS SUBTITLE.

9 (3) ON OR BEFORE JANUARY 1, 2007, EACH LICENSED HOME THAT IS
10 LICENSED BY THE DEPARTMENT SHALL EMPLOY AN INDIVIDUAL RESPONSIBLE FOR
11 THE DAY-TO-DAY ADMINISTRATION OF THE CHILD CARE HOME OR RESIDENTIAL
12 EDUCATIONAL FACILITY WHO IS CERTIFIED UNDER PARAGRAPH (2) OF THIS
13 SUBSECTION.

14 (c) (1) By rule or regulation, the Department may delegate authority to local
15 departments and licensed child placement agencies to issue licenses or approve
16 applicants for licenses under this subtitle.

17 (2) Any rule or regulation adopted by the Department under this
18 subsection shall provide for an appeal to an administrative appellate authority from a
19 decision of a local department or licensed child placement agency.

20 (d) (1) A child placement agency, child care home, child care institution, or
21 residential educational facility may not be required to obtain a license from more
22 than 1 State agency.

23 (2) Any State agency authorized to license child placement agencies,
24 child care homes, child care institutions, or residential educational facilities may
25 make cooperative arrangements with any other State agency to give effect to
26 paragraph (1) of this subsection.

27 5-526.

28 (a) (1) The Department shall provide for the care, diagnosis, training,
29 education, and rehabilitation of children by placing them in group homes and
30 institutions that are operated by for-profit or nonprofit charitable corporations.

31 (2) Any group home utilized under the provisions of this section shall
32 comply with the provisions of [§§ 5-507 through 5-509] §§ 5-506 THROUGH 5-509 of
33 this subtitle.

34 (b) (1) The Department shall reimburse these corporations for the cost of
35 these services at appropriate monthly rates that the Department determines, as
36 provided in the State budget.

37 (2) The reimbursement rate may differ between homes and institutions
38 that provide intermediate services, as defined by the Department, and homes and
39 institutions that provide full services.

1 (c) The Department, or the Department's designee, may not place a child in a
2 residential group home or other facility that is not operating in compliance with
3 applicable State licensing laws.

4

Article - Health - General

5 1-101.

6 (a) In this article the following words have the meanings indicated.

7 (c) "Department" means the Department of Health and Mental Hygiene.

8 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

9 7-101.

10 (a) In this title the following words have the meanings indicated.

11 (b) "Administration" means the Developmental Disabilities Administration.

12 (f) "Director" means the Director of the Developmental Disabilities
13 Administration.

14 7-601.

15 There are community-based residential programs that provide residential
16 services in public group homes, private group homes, and alternative living units.

17 7-602.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Private group home" means a group home that is not a public group home,
20 whether or not public funds are used to finance, wholly or partly, the acquisition,
21 construction, improvement, rehabilitation, maintenance, or operation of the group
22 home.23 (c) "Public group home" means a group home that is owned by or leased to this
24 State or a political subdivision of this State, whether or not this group home is
25 maintained and operated by a private, nonprofit person.

26 7-607.

27 The Secretary shall adopt rules and regulations for issuing certificates of
28 approval for private group homes.

29 7-608.

30 In addition to holding a license required under Subtitle 9 of this title or any
31 other license required by law, a person shall obtain a certificate of approval from the
32 Secretary before the person may establish a private group home.

1 7-903.

2 (a) In addition to any other license required by law, a person shall be licensed
3 by the Administration before the person may provide the following services to an
4 individual with developmental disability or a recipient of individual support services:

- 5 (1) Day habilitation services;
- 6 (2) (I) Residential services TO ADULTS; AND
7 (II) RESIDENTIAL SERVICES TO CHILDREN;
- 8 (3) Services coordination;
- 9 (4) Vocational services;
- 10 (5) More than 1 family support service, as defined under § 7-701 of this
11 title;
- 12 (6) More than 1 individual support service; and
- 13 (7) More than 1 community supported living arrangements service.

14 (b) (1) If a person is licensed or certified by another State agency or
15 accredited by a national accreditation agency such as the Accreditation Council for
16 Persons with Developmental Disabilities (ACDD) or the Council for Accreditation for
17 Rehabilitation Facilities (CARF) to provide services to an individual with a
18 developmental disability or a recipient of individual support services, the Director
19 may waive the requirement for a license by the Administration.

20 (2) Upon a showing by the Director that the licensed, certified, or
21 accredited person is out of compliance with licensing regulations adopted by the
22 Secretary the Director may revoke the waiver.

23 (C) (1) ON OR BEFORE JANUARY 1, 2005, THE DEPARTMENT, IN
24 CONSULTATION WITH THE DEPARTMENT OF JUVENILE JUSTICE AND THE
25 DEPARTMENT OF HUMAN RESOURCES, SHALL ADOPT REGULATIONS ESTABLISHING
26 A PROGRAM TO CERTIFY THE INDIVIDUAL RESPONSIBLE FOR THE DAY-TO-DAY
27 ADMINISTRATION OF A PROGRAM OF RESIDENTIAL SERVICES FOR CHILDREN UNDER
28 SUBSECTION (A)(2)(II) OF THIS SECTION THAT HAS A LICENSE UNDER THIS SUBTITLE.

29 (2) ON OR BEFORE JANUARY 1, 2007, EACH PROGRAM THAT PROVIDES
30 RESIDENTIAL SERVICES FOR CHILDREN UNDER SUBSECTION (A)(2)(II) OF THIS
31 SECTION THAT IS LICENSED BY THE DEPARTMENT SHALL EMPLOY AN INDIVIDUAL
32 RESPONSIBLE FOR THE DAY-TO-DAY ADMINISTRATION OF THE PROGRAM WHO IS
33 CERTIFIED UNDER THIS SUBSECTION.

34 10-920.

35 In Part IV of this subtitle "private therapeutic group home" means a small
36 private group home as defined in § 10-514(e) of this title that provides residential

1 child care, as well as access to a range of diagnostic and therapeutic mental health
2 services, to be identified under the requirements of § 10-924 of this article, for
3 children and adolescents who are in need of such treatments.

4 10-922.

5 The Secretary shall adopt rules and regulations that:

6 (1) Ensure that a private therapeutic group home provides mental
7 health care and treatment in accordance with Part IV of this subtitle; [and]

8 (2) Require a private therapeutic group home:

9 (i) To provide treatment for each child and adolescent in the home;

10 (ii) To coordinate the treatment in the home with the appropriate
11 public or nonpublic educational program conducted outside of the home; and

12 (iii) To provide 24-hour supervision for each child and adolescent for
13 the time that the child and adolescent are not participating in a program conducted
14 outside of the home; AND

15 (3) (I) ON OR BEFORE JANUARY 1, 2005, AND IN CONSULTATION WITH
16 THE DEPARTMENT OF JUVENILE JUSTICE AND THE DEPARTMENT OF HUMAN
17 RESOURCES, ESTABLISH A PROGRAM TO CERTIFY THE INDIVIDUAL RESPONSIBLE
18 FOR THE DAY-TO-DAY ADMINISTRATION OF A PRIVATE THERAPEUTIC GROUP HOME
19 FOR CHILDREN THAT HAS A LICENSE UNDER THIS SUBTITLE; AND

20 (II) ON OR BEFORE JANUARY 1, 2007, PROVIDE THAT EACH
21 LICENSED PRIVATE THERAPEUTIC GROUP HOME FOR CHILDREN THAT HAS A
22 LICENSE UNDER THIS SUBTITLE EMPLOY AN INDIVIDUAL RESPONSIBLE FOR THE
23 DAY-TO-DAY ADMINISTRATION OF THE HOMES WHO IS CERTIFIED UNDER ITEM (I)
24 OF THIS ITEM.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2003.